

**PAROWAN CITY COUNCIL MEETING
JUNE 9, 2016
PAROWAN CITY OFFICES, 35 E. 100 N., 6:00 P.M.**

MEMBERS PRESENT: Mayor Donald G. Landes, Council Members Alan Adams, Vickie Hicks, Jay Orton, Steve Thayer, City Manager Shayne Scott, City Attorney Justin Wayment, City Recorder Callie Bassett

MEMBERS ABSENT: Council Member Ben Johnson

PUBLIC PRESENT: Chuck and Dottie Stade, Pat Kehrer, Shayne Williamson, Mary Hanley, Judy Schiers (Parowan City Treasurer), Chief Ken Carpenter (Parowan PD), Paul and Jamie Smith, Tyler Uresk, Bob Whitelaw

CALL TO ORDER: Mayor Landes called the meeting to order at 6:00 p.m.

OPENING CEREMONIES/THOUGHT/PRAYER/PLEDGE OF ALLEGIANCE – JAY ORTON: Councilman Orton offered the invocation. He then led the Council and the public in the Pledge of Allegiance.

DOES ANYBODY HAVE ANY CONFLICTS OR PERSONAL INTEREST IN ANY MATTER ON THE AGENDA WHICH NEEDS TO BE DECLARED?

CONSENT MEETING

**APPROVAL OF MINUTES (MAY 26, 2016 CITY COUNCIL MEETING)
TEMPORARY BEER PERMIT – SKYLER NEIBAUR
PURCHASE ORDERS/ WARRANT REGISTER
FY 2016 WRITE-OFFS**

Councilman Thayer moved to approve the consent agenda. Councilwoman Hicks seconded the motion.

Councilman Thayer had a question regarding the temporary beer permit. One of the forms submitted said there would be no on premise consumption. Mrs. Bassett offered that the on premise consumption license may have to do with restaurants. She wasn't certain.

Chief Carpenter addressed the Council and said that no one has talked to him about this. He is opposed to this and doesn't think the City should authorize the purchase of beer at special events. He said the fact of the matter is he has one officer on duty and he doesn't need to have an event where people are getting intoxicated and the police department has to clean up the mess. He said that people argue that they allow this at the fair. Chief Carpenter said they do, but the County has numerous deputies available for that. Parowan Police Department doesn't have the ability to police an event like this where there could be intoxicated people. He said if this application is for the monster truck rally, he has already spoken to those in charge and told them he would not approve a temporary permit. He feels like they are doing an end-run on him.

Mr. Scott said he wouldn't say they are doing an end run on Chief Carpenter because this is the procedure for getting a temporary beer license. He said obviously we want to take what the Chief says very seriously, and if this isn't something the Council wants to do, then they shouldn't approve it. However, he said the Council should know there are events that won't come here because beer sales is a very big part of the income. So they need to keep that in mind.

Councilman Thayer asked if the Sheriff's department could come and help police these events. Mr. Scott said he can't imagine they would do that unless we paid them. Chief Carpenter said that is exactly right, and if this is a special event they want to have then the City will have to pay the Sheriff's office overtime to have them come in and help police this. He said he doesn't have that kind of money in his budget.

Attorney Wayment asked if Chief Carpenter would oppose this if the City granted the beer license, but stipulated that the organization would have to pay for the overtime for the additional officers. Chief Carpenter said he thinks it would be a nightmare. He said he has already spoken to Mrs. Alice Heidenreich about this. (She is the employee charged with the responsibility of bringing events to Parowan.)

Mr. Scott said, playing devil's advocate, the reason why the City wants to object itself to this is because it has asked Mrs. Heidenreich to use the fair building and the grounds to bring in events and bring people to the community. He said that's why we want to do this. He said he's not saying it is a right or wrong thing, but there is an answer to the why.

Councilman Adams said that his personal feeling is that we don't need beer in our community at any cost. He said he knows we have to follow rules, laws and regulations.

Mrs. Judy Schiers (City Treasurer) when beer licenses are approved for places like Maverik, there is a check list that they go through to make sure everything is in order. She asked why this wasn't run through a check list. Attorney Wayment said he knows there are different requirements for a special permit if it isn't pulled more than like three times a year (or something like that.) Mr. Wayment said that last year the State passed a whole new alcohol ordinance that is a whole book. He said he hasn't had to address it enough to recall what the requirements are for a special permit. He said they are less onerous than a full time permit. But there are still requirements.

Councilwoman Hicks asked a question on another part of the consent agenda. She asked what they \$12,271.87 for a marquee message center was for. Mr. Scott explained that the City is purchasing a marquee as part of the City Office project. He said there were funds left to purchase this, and in fact they got special permission to put it in front of the library. In their discussions, administratively they felt that this would be a more key location for people to see it.

Mrs. Hicks also asked about the random drug testing done for one of our public works employees. Mr. Scott explained that random drug testing is done on anyone that has a CDL license. Mrs. Hicks asked why he was tested five times. Mr. Scott explained that this is just the method of payment, it invoice was split between five departments.

Councilman Adams had a question regarding the write offs for FY2016. He said there is a rather large one, and they are in bankruptcy. He asked if the City is in line for possibly getting any money when the bankruptcy ends. Mr. Scott said we are on the list, but it is definitely a long shot.

Councilman Adams moved to amend the current motion to deny the temporary beer permit. There was no second made.

Councilman Thayer said he is trying to figure out what the right thing to do is; if we want to have more people here or not and if this will affect having future events here or not. He asked if this has to be voted on tonight. Mr. Scott said not necessarily if they want to scrutinize this more and have it as an agenda item at another meeting.

Councilman Orton interjected that he understands the concerns regarding the beer permits, but at the same time, if the City is going to be pushing for events to grow and to have an increased number of events, this could be an important aspect of holding these events. He said he hates to shut it down completely and asked if there is any way to find a way to make this work. Chief Carpenter said the Council can increase his overtime budget. He said he has policed hundreds of these types of events. He said it's not the 99% percent of the people that he worries about, because most people are pretty responsible. But there is always a certain percentage that all you have to do is add alcohol and you have nothing but problems. He reiterated that he doesn't have the ability to handle these situations.

Chief Carpenter said every year the County has issues surrounding alcohol. They are able to deal with it because they have 15-20 officers there working. He said if the City starts having these special events and bringing in 200-300 people, even 1% of that is more than one officer can handle. Councilman Orton asked what it would take to staff an event with that many people. Chief Carpenter said there would have to be at least two officers on overtime, depending on what the projected attendance is.

Councilwoman Hicks said has a big concern in that she doesn't want to set a precedent. She said if we turn this one down and say we are never going to allow alcohol at the City events, the Council is setting a precedent. She said this needs to be handled appropriately. Mrs. Hicks asked if this organization holds events in other cities, do they get alcohol permits for those, and if so, what is their track record. The Mayor said that as the Chief pointed out, for Parowan City it is a matter of personnel. Chief Carpenter said that even if the event organization hires its own security, security doesn't have arrest powers, so it is still Parowan's officers that have to go in and make the arrests and clean up the mess.

Councilman Thayer moved to amend his original motion to table the temporary beer permits until it can be discussed further. Councilwoman Hicks seconded the motion. Before a vote was taken, Councilman Orton asked if the Chief if we can think of ways to make this work. Chief Carpenter responded the only way to make this work is to double or triple his overtime budget.

Councilman Orton pointed out that by allowing beer sales at the event, it will increase the organizations profits which would allow them to pay for the police officers' overtime. Mayor

Landes commented that if we are looking at triple overtime, then we need to evaluate if these events create an economic benefit that would justify that amount of overtime. He said he's not sure they do. Councilman Thayer added that he's not sure the benefits outweigh the problems associated with this.

Chief Carpenter asked the Council to keep something in mind whether they want family oriented events or do they want the type of event that is going to invite those people who want to come over here and party and bring whatever problems come with that. He said if you start having events where there are problems associated with alcohol, then families are going to stop coming.

Councilman Orton said he disagrees with that to some extent. He said he completely respects the Chief's opinion, but families don't hesitate to go to the rodeo and the other Iron County Fair events and there is beer being sold. Chief Carpenter said there are also numerous officers in attendance. Councilman Orton said he understands that, but he doesn't think that families are deterred from enjoying the events.

Councilwoman Hicks stated again that she doesn't want to set a precedent. She doesn't want to make a decision here that would set a precedent for future opportunities. She said she has trouble with it until they get further information. Councilman Adams said that with all due respect to Councilwoman Hicks, he would be more than happy to set that precedent. He doesn't think we need alcohol in this town, especially at these kinds of events.

All Council members voted in favor of the motion. The motion carried.

ACTION MEETING

ADOPT FY 2017 BUDGET:

Councilman Thayer moved to approve the budget. Councilman Adams seconded the motion.

Councilman Thayer said he had expressed concern about the cost of having an SRO and suggested the City approach the School District Superintendent and have a conversation with him. He said they did and the School District will be paying for 2/3rds of that officer's salary/expenses instead of only 50%. He said it is a great thing for the community.

Councilman Adams asked who will do the hiring for this position. Chief Carpenter said the decision has already been made who they will offer the position to.

All Council members voted in favor of the motion. The FY 2017 Budget was approved.

ANNUAL FEE REVIEW – RESOLUTION 2016-06-01:

Councilman Thayer asked if the appropriate changes as discussed at the last meeting were made. Mr. Scott said they should be in there.

Councilwoman Hicks moved to approve the Annual Fee Review – Resolution 2016-06-01. Councilman Thayer seconded the motion. Mr. Bob Whitelaw (resident) pointed out that the

library copy fees for black and white are shown as \$10/copy and the color copies are shown as \$25/copy. These should read \$0.10 and \$0.25. Those corrections were made immediately.

A roll call vote was taken as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Councilman Thayer	X			
Councilman Orton	X			
Councilwoman Hicks	X			
Councilman Adams	X			
Councilman Johnson			X	

All Council members voted in favor of the motion.
Resolution 2016-06-01 was approved.

2016 ROAD MAINTENANCE PLAN

Councilman Adams said that Mr. Kelly Stones has drawn up a 5 year maintenance plan for the roads. He said with the kindness of the City Council they have been able to put two budget years together, and they will try to complete everything on the plan listed above 100 West this year. The one thing they would like to throw out to the Council is they have two options. They can do a chip seal only, or they can do a chip seal with a flush coat. The chip seal is \$1.96 per square yard. If they did the chip seal and flush coat, it would \$0.25 per square yard, or \$2.21 per square yard. The flush coat looks nicer and lasts a little longer. However, the downside is that when they plow snow, the flush coat tends to chip off. Another downside is they wouldn't be able to finish quite as much road – 12 miles as opposed to 13 ½ miles.

Mr. Scott said he thinks it's fair to say that if Mr. Stones were making this decision by himself, he would not do the flush coat. But prices are down and it is the perfect time to do this. He said he has asked other people about the flush coat and the response has been 50-50. This would be something new for Parowan to try. Councilman Adams said he personally thinks we should try it. He said this project will include the Gurr subdivision and City View Dr. (225 South).

Councilman Adams said that the crack sealing will not take place until the fall. The weather has to be much cooler – 50 degrees or less. Pot holing will also continue throughout the summer. They are going to try start this around the end of July – first part of August.

Councilman Adams moved to approve the 2016 road maintenance plan which will include the items he mentioned and the flush coat. Councilman Orton seconded the motion.

Mr. Scott said that there are two documents for the Council to reference in the future. One is the one Councilman Adams referred to that includes 2018-19. The other is a cleaner version where Mr. Stones took out the dates and there isn't writing all over it. It indicates what will be done and in what order.

All Council members voted in favor of the motion. The motion was carried.

WORK MEETING

ORDINANCE – ADOPTING PAROWAN MUNICIPAL CODE

Mrs. Bassett explained that Municipal Code Online has been codifying and consolidating our code book. It is ready now and needs to be adopted by ordinance. This will be moved to the next action meeting.

ORDINANCE CHANGE ON WATER DEVELOPMENT FEE/IMPACT FEE

Mr. Scott said this is still being vetted by the Water Board and will probably be done by resolution setting in that we are setting a fee. There is an ordinance out there that calls for a water development and a water impact fee. This may need to be adjusted. It is still being discussed.

ORDINANCE CHANGE ON RV – TITLE 24 CHAPTER 14

Attorney Wayment said he needs the Council to look at this ordinance. He said he did some research and the City has neglected to include RV parks in any of its zones.

Councilman Thayer said he had concerns about storm water drainage under part 14.5 “C”. He asked if this requires small RV parks to dig a retention pond. Mr. Wayment said if the Parowan City Engineers and storm water plans don’t require it, then they wouldn’t be required to do that. He said he can clarify that. It would be left at the discretion of the engineer.

Mr. Wayment said he has done a lot of research on this. Mr. Scott said this has been vetted by the Planning Commission in a couple of meetings as well.

ORDINANCE CHANGE ON HOME OCCUPATION PERMITS

This ordinance change is to make it possible for City staff to approve the home occupation license if it meets all of the requirements.

ORDINANCE CHANGE BOARD MEMBER COMPENSATION

This was discussed at the last meeting. Councilman Johnson discussed offering board members a pass to the gym or something like that. This change basically says that the Council may choose to adopt certain benefits to any and all board members in exchange for their service. Mr. Scott said he tried to make this general and keep it open. Attorney Wayment suggested giving options to the board members to choose from, for example they could choose between a pool pass and a gym pass.

ORDINANCE CHANGE ON SHADE TREE BOARD MEMBERS – TITLE 2 CHAPTER 14

Mrs. Mary Hanley addressed the Council. She said the current ordinance states that there shall be a designated “employee from the City Electrical Department” that serves as a board member. The Shade Tree committee would like to see that changed to simply say an “employee from the City”. Currently Mr. John Dalton is the City Arborist, and he is unable to vote on any decisions made by the board. It makes sense that he would be the one to help make those decisions.

ORDINANCE CHANGE ON SIGNS

Mr. Scott said this has been discussed by the Planning Commission. Their recommendation is that the ordinance be changed from the allowed 1 ft. x 1 ft. sign to allow home occupation business signs to be no larger than 3 ft. x 4 ft. and must be attached to the building.

Councilman Thayer said he had a question about the maximum height for business signs which is 50'. This is the allowed height for signs in the General Commercial 1 zone. Mr. Wayment he did not make that change, it is how the ordinance already read. The Council said they would like to see that changed to a lower number, perhaps 30'.

MEMBER REPORTS:

Councilman Thayer reported on the Chamber of Commerce meeting. They will be having their annual yard sale and swap meet Saturdays in June and July. The gliders are coming in June 14th -26th. PAAL is doing their fundraiser drive in movie nights on June 24th & June 25th beginning at dusk. The car show was successful. The ATV rodeo is June 18th. The 4th of July parade will be at 10 a.m. The July "Concert in the Park" series begins July 1st in the City Park. Concerts will be every Friday night.

Councilman Thayer also reported that the Theater board discussed the summer movies sponsored by the recreation department. These are every Wednesdays morning at 10 a.m. They have the new screen and will need help to set it up. Mr. Thayer said the Water Board did not meet, and added that the Chamber is sponsoring a sucker sale.

Councilman Orton reported that the Shade Tree Committee has finished planting Unit 2. He said that Mrs. Hanley has chaired her last meeting. He expressed his thanks to her for the time she has put in to the Shade Tree Committee. TARP Committee has walked and GPS tracked the water tank loop trail. They will be finalizing route up there. He said it is a neat route.

Councilwoman Hicks reported that she went on vacation. She thanked Councilman Thayer for covering for her at the Chamber meeting.

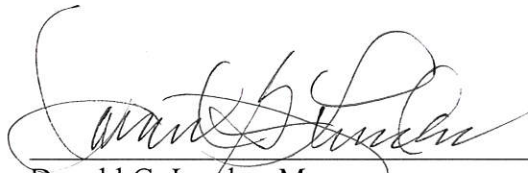
Councilman Adams said the only thing he had was discussing the roads and they have already done that. He expressed his appreciation for the Council's support. Mr. Adams added that he volunteered at the Ride the Gap event. He said it was a well-organized, wonderful event. There were over 250 riders. The riders were very appreciative of everything the volunteers did. They appreciated the City's involvement in that.

Mayor Landes expressed appreciation to Mr. Scott who is leaving for a new job in Kaysville, Utah. He wished him well. He said Tuesday the 14th will be his last day. Tuesday night at 7 p.m. ice cream social at City Park.

Councilman Thayer read a poem he wrote for Mr. Scott and presented him with a gift.

PUBLIC COMMENT & DISCUSSION – TWO MINUTE LIMIT EACH: There were no comments from the public.

ADJOURN: Councilman Thayer moved to adjourn the meeting. Councilwoman Hicks seconded the motion. All Council members voted in favor of the motion. The meeting was adjourned at 7:07 p.m.


Donald G. Landes, Mayor
Callie Bassett, City Recorder